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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,208	07/08/2003	Geoffrey S.M. Hedrick	3190-53	1733
7590	11/23/2005			
Lance J. Lieberman, Esq. Cohen, Pontani, Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			EXAMINER	HUYNH, BA
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 11/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,208	HEDRICK, GEOFFREY S.M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ba Huynh	2179	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Ba Huynh. (3) \_\_\_\_\_.  
 (2) Lance Lieberman. (4) \_\_\_\_\_.

Date of Interview: 15 November 2005.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: US 2003/0132860.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached agenda. The examiner maintains that control button 46 is a control button "FOR" one of adjusting/selecting data settingas claimed. The pilot manually adjusting/selecting is a "mode" of operation, e.g. altitude setting mode. The translucency is disclosed in figure 3.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

BA HUYNH  
PRIMARY EXAMINER

*[Handwritten signature of Ba Huynh]*  
Examiner's signature, if required

## **Summary of Record of Interview Requirements**

**Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**  
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of Interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

## Proposed Telephonic Interview Agenda

US Patent Application Serial No. 10/616,208

Attorney Docket No. 3190-53

Tentative Interview Date & Time: Tuesday, 15 November 2005 @ 10 AM

Attorney of Record - Lance Lieberman (Reg'n # 28,437)

In the first Office Action of 5 July 2005, all claims 1-19 were rejected under Section 103(a) based on the published US application of Feyereisen et al.

In applicant's Response of 4 August 2005, the claims were not amended, and a discussion of the differences between the claimed invention and the cited art was provided.

The "final" Office Action of 31 October 2005 repeats the same bases of rejection in the first Office Action. It also contains a section titled "Response to Arguments".

Rather than repeating what was discussed in the Response of 4 August 2005, in the interview I would like to focus on the "Response to Arguments".

The "Response to Arguments" has three paragraphs, each of which I wish to address.

Re the first paragraph, the claimed "control" as recited in independent claims 1 and 10 is expressly defined in the claims as having specific operative functionality, which is very different from that of the "control button 46" in Feyereisen Fig. 2. According to claim 1, for example, the manually manipulatable control is operable "for one of adjusting the data setting and selecting the data setting to be adjusted". "Control button 46" selects an operation mode of a prior art TCAS (see Feyereisen 0013). The TCAS of Fig. 2 is merely presented as background art to explain the high workload imposed on IFR pilots by prior art systems (as contrasted with the reduced pilot workload provided by the Feyereisen system), and is not connected with or a part of the Feyereisen system in which predetermined portions of the Fig. 3 display screen are dynamically emphasized based on the current mode or phase of flight of the aircraft (see Feyereisen 0062). The "mode" of operation that the "control button 46" operatively affects is NOT, and has nothing whatsoever to do with, the "mode" or phase of flight upon which dynamic emphasis of a predetermined portion of the Feyereisen display is based. Feyereisen has simply used the same word - i.e. "mode" - to describe two very different and unrelated things. Thus, the "control button 46" *cannot* be the "control" which is recited in applicant's claims.

Re the second paragraph, Feyereisen teaches that the dynamic emphasis of a predetermined portion of its display is based *solely* on the current mode or phase of flight of the aircraft (see Feyereisen 0062). The manner in which the current mode or phase of flight is determined is explained in Feyereisen 0137. Specifically, that determination is algorithmically derived based on signals received from aircraft instrumentation via the data bus 302. There is no disclosure or suggestion of initiating or changing the dynamic emphasis of portions of the Feyereisen display in response to specific use action, including (as applicant claims) in response to manual

manipulation, by the user, of a control operable for adjusting a data setting, the image of which data setting is enlarged in response to manipulation of the control and is returned to its original size when manipulation of the control has ceased.

Re the third paragraph, the enlarged pointers 122, 130 do not appear to be translucent in Feyereisen Fig. 3, and nothing in Feyereisen suggests otherwise. A close study of Fig. 3 reveals that none of the background image features that should be visible "through" a translucent overlay are shown in the enlarged pointers 122, 130; instead, extensions of the horizon line 107 and of the two parallel horizontal lines below that horizon line appear to have been redrawn as a part of the overlying enlarged pointers 122, 130. If these enlarged pointers were in fact translucent, then one should also see (by way of example), in the enlarged pointer 122, the overlaid trend indicator 124 and the overlaid digits "120", neither of which are even partially visible within the enlarged pointer 122 in Fig. 3.

I appreciate your willingness to interview this application, and look forward to speaking with you on the 15th.

Lance Lieberman